

ROUTING AND RECORD SHEET

DD/A Registry  
File Training

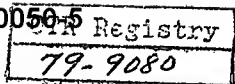
SUBJECT: (Optional)  
25X1 Present Scope of Authority of Director of Training

FROM:	EXTENSION	NO.
25X1 Assistant General Counsel		OTR 79-9080
		DATE
		15 February 1979

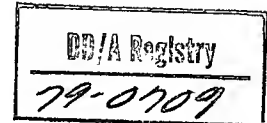
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		

1. DTR 1026 C of C	46 FEB 1979			<p>1 to 2:</p> <p>I am informed that the total question of Delegation of Authority is currently under study and review by OGC and the Regulations Control Branch, ISAS. The specific question of the DTR's authority as contained in the [redacted] of the Headquarters Regulations is but a segment of that problem. [redacted] is having conversations with [redacted] concerning this matter. Therefore, I am not recommending any specific action concerning the attached OGC memorandum.</p> <p>[redacted]</p> <p>Harry E. Fitzwater DTR</p>
2. DDA 7D24 Hqs				
3.				
4. Reg-file				
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DD/A Registry  
79-0709



OGC 79-01648  
15 February 1979



MEMORANDUM FOR : Deputy Director for Administration  
THROUGH : Director of Training  
25X1 FROM :   
Assistant General Counsel  
SUBJECT : Present Scope of Authority of Director  
of Training

1. We are hereby bringing to your attention the fact that there is a substantial question as to the present legal authority of the Director of Training to conduct many of his routine activities.

2. The question arises because of the manner in which the Agency is authorized to conduct training activities. This authority derives from the Government Employees Training Act of 1958, as amended (Pub. L. No. 85-507), codified at Title 5, U.S. Code, Chapter 41. The act specifically identifies the "head of an agency" as the official authorized to conduct many of the activities set out therein. Examples include:

a. Authority to establish, maintain and operate a training program (5 U.S.C. 4103);

b. Authority to arrange for training at non-government facilities (5 U.S.C. 4105);

c. Authority to waive repayment of a sum owed by an employee, which was incurred in the process of participating in government-sponsored training (5 U.S.C. 4108).

FOIAB5

OGC

3. 

It is thus our legal view that the 1958 Act is the sole legal basis for the Agency's training programs and activities.

4. I believe there is no question that the authority of the head of an agency pursuant to the 1958 Act may be delegated to a subordinate. However, it would appear that this authority is not presently delegated within the Agency, either through the regulatory process, or by specific delegation. On 16 June 1960, Acting Director Cabell did approve a revision of the training regulation. While this undoubtedly constituted a delegation of authority at that time, this regulation subsequently has been rescinded and reissued several times. These subsequent revisions have not been approved by the DCI, but by the Deputy Director for Administration or his predecessors. I am advised by the Executive Officer, OTR, that OTR files contain no specific delegation of authority to the Director of Training from the DCI. Nor am I aware of any such specific delegation to the DDA or his predecessors; HR  does not seem to qualify as such.

25X1

5. It is my opinion that there must be such a delegation to the Director of Training, either directly from the DCI or from the DDA after delegation to him from the DCI, in order for the Director of Training to properly exercise all the authorities he presently exercises.

6. I believe the simplest way to remedy this situation would be to re-execute the present version of HR  and obtain DCI or DDCI approval in the process. This approach, however, would cause this authority to run directly from the DCI to the Director of Training, bypassing the DDA. Furthermore, any and all revisions to the regulation would also require DCI or DDCI approval. If this is not acceptable to you as a permanent solution, perhaps you would consider it on an interim basis, while a new version of the regulation, properly drawn in your view, is drafted and coordinated.

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7. Another approach would be the issuance of a specific written delegation of authority from the DCI to the DDA and/or the Director of Training.

8. Please advise us as to what course you choose to pursue in this regard.

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cc: C/RCB/DDA